

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**DONALD L. LEE,  
Plaintiff,**

**v.**

**Case No. 06C0206**

**DOLLAR STORE OWNER,  
Defendant.**

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**DONALD L. LEE,  
Plaintiff,**

**v.**

**Case No. 06C0207**

**WALGREENS DRUG STORE,  
Defendant.**

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**DONALD L. LEE,  
Plaintiff,**

**v.**

**Case No. 06C0208**

**WALGREENS DRUG STORE,  
Defendant.**

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**DONALD L. LEE,  
Plaintiff,**

**v.**

**Case No. 06C0209**

**PICK 'N SAVE,  
Defendant.**

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## **DECISION AND ORDER**

On February 21, 2006, plaintiff Donald L. Lee commenced these separate actions pursuant to 28 U.S.C. § 1983 against the above-named defendants. In my February 27, 2006 order, plaintiff was notified of the three strikes provision of 28 U.S.C. §1915(g) and given twenty-one days to decide whether to withdraw his complaints voluntarily without paying the filing fee or to proceed with the actions, at which point he would be obligated to pay the filing fees pursuant to § 1915(b)(1). On March 16, 2006, plaintiff requested a twenty-one day extension of time to determine whether to pay the filing fees or dismiss each of the four cases without prejudice, which request I granted. On April 5, 2006, plaintiff requested that his cases be dismissed without prejudice and the initial partial filing fees deducted from his account be returned to him.

Plaintiff's request for extension of time was proper under Fed. R. Civ. P. 6(b), as it was filed prior to the expiration of the original twenty-one day deadline. In addition, plaintiff acted to dismiss his cases within the twenty-one day extension of time. Because plaintiff acted promptly and timely submitted his requests, I conclude that he may voluntarily dismiss his cases, that he is entitled to a return of his initial partial filing fees, and that he is not required to remit any further amount in payment of the filing fees.

**THEREFORE IT IS ORDERED** that Case Nos. 06c0206, 06c0207, 06c0208 and 06c0209 are **DISMISSED WITHOUT PREJUDICE**.

**IT IS FURTHER ORDERED** that the clerk of court return any filing fees remitted by plaintiff.

**FINALLY IT IS ORDERED** that copies of this order be sent to the warden of the

institution where the inmate is confined and to Charles D. Hoornstra, Assistant Attorney General, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin, 53707-7857.

Dated at Milwaukee, Wisconsin this 15 day of May, 2006.

/s \_\_\_\_\_  
LYNN ADELMAN  
District Judge